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# Big Horn Southern Railroad.

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H.R. Rep. No. 2374, 52nd Cong., 2nd Sess. (1893)

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## BIG HORN SOUTHERN RAILROAD.

JANUARY 28, 1893.—Referred to the House Calendar and ordered to be printed.

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Mr. PEEL, from the Committee on Indian Affairs, submitted the following

### REPORT:

[To accompany S. 3317.]

The Committee on Indian Affairs, to whom was referred the bill (S. 3317) extending the time for the construction of the Big Horn Southern Railroad through the Crow Indian Reservation in Montana, submit the following report thereon:

The act of February 18, 1889, granted to the Big Horn Southern Railroad Company a right of way through the Crow Indian reservation, subject to the limitations and restrictions contained therein, one of which was that the consent of the Indians thereto was to be obtained, if the President should so direct, the road to be completed within two years from the date of the consent of the Indians. The President directed that the consent of the Indians in their tribal capacity be obtained, which was done December 20, 1890. The consent of the Indians holding lands in severalty has, however, never been obtained, though the company has persistently and at various times endeavored to do so, they (the Indians) protesting against the construction of the road on the present line, and as their consent is requisite before the rights of the company can vest, the road has not been constructed within the two years, which expired December 20, 1892.

The bill (S. 3317) granting the extension of time passed the Senate at the last session of Congress, and was reported favorably to the House by your committee on January 6, 1893. The bill was recommended to the committee, on the request of its chairman, for the purpose of amending it so as to obviate the existing difficulties. There seems to be but one way to do this, and that is to allow the company to change its route so that the line of the road will run through a tract of country without the limits of that occupied by the protesting Indians, and the representatives of the company consent to such change. Your committee, in view of these facts, report the bill back with an amendment changing the line of the road as herein suggested, and also an amendment permitting the company to transfer its right of way, if it should desire to do so, to some other railroad company existing under the laws of the State of Montana, subject to the approval of the Secretary of the Interior, and for the purpose only of facilitating the construction of the road, and recommend that the same pass. The rights of the Indians are fully protected by the terms of the original act, which are continued in force.